

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

This is a habeas corpus petition pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner, is proceeding *pro se*. Before the court is respondents' motion to dismiss (ECF #11), which was filed on December 5, 2011. On December 6, 2011, the court filed its order advising the parties of the requirements of *Klingele v. Eikenberry* and *Rand v. Rowland* (ECF #15).

The court granted petitioner's motion to extend time to respond to the motion to dismiss on January 31, 2012 (ECF #20). That order directed petitioner to file her response within thirty (30) days. More than the allotted time has elapsed and petitioner has not filed a response to the motion to dismiss or filed any other document.

In the motion to dismiss, respondents contend that the petition must be dismissed as unexhausted and not cognizable (ECF #11). *See* 28 U.S.C. § 2254(b); *Stone v. Powell*, 428 U.S. 465, 494 (1976), respectively. Pursuant to the provisions of Local Rule 7-2, petitioner's failure to respond to the motion is a concession on her part that the arguments are valid. Therefore, the motion to dismiss shall be granted.

1           **IT IS THEREFORE ORDERED** that respondents' motion to dismiss the petition (ECF  
2 #11) is **GRANTED**.

3           **IT IS FURTHER ORDERED** that respondents' motion for leave to file exhibits under  
4 seal (ECF #16) is **GRANTED**.

5           **IT IS FURTHER ORDERED** that the clerk shall **ENTER JUDGMENT** accordingly  
6 and close this case.

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8           DATED May 2, 2012.

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11           UNITED STATES DISTRICT JUDGE

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